

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2015-094176

01/07/2016

HONORABLE JAMES D. SMITH

CLERK OF THE COURT
K. Roehl
Deputy

IN RE THE MARRIAGE OF
JENNIFER COREY PORMAN

ERIC W KESSLER

AND

LARRY JON PORMAN

DIANA I RADER

TEMPORARY ORDERS HEARING VACATED AND RESET

Courtroom SEF 404

10:46 a.m. This is the time set for Telephonic Status Conference regarding Respondent's *Accelerated Motion to Vacate Temporary Orders Hearing Scheduled for January 15, 2016 at 10:00 a.m. and Accelerated Motion to Dismiss Petitioner's Motion for Temporary Orders* filed December 31, 2015, Petitioner/Wife's *Response* thereto filed January 5, 2016, and Respondent/Husband's *Reply to Petitioner's Response* filed January 6, 2016. Petitioner/Wife, Jennifer Corey Porman, is telephonically present and telephonically represented by above-named counsel, Eric Kessler. Respondent/Husband is not present but is telephonically represented by above-named counsel, Diana Rader.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

Discussion is held regarding the disclosure of documents from Petitioner to Respondent.

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Wife's counsel confirmed that, as of nine calendar days before the temporary orders hearing *and nearly four months after Wife filed her temporary orders motion*, Wife still had not disclosed an Affidavit of Financial Information to Husband. Wife failed to comply with her disclosure obligations in many respects. For example, a party seeking a temporary order of spousal maintenance must provide an AFI with his or her motion for temporary orders. Ariz. R. Fam. L. P. 47(A)(3). A party seeking to exclude another from a residence must identify in the temporary orders motion the income and assets available to each party; if a party seeks a temporary award of legal fees, he or she must provide an AFI with the motion. Ariz. R. Fam. L. P. 47(A)(4).

The Court held the Resolution Management Conference on Wife's temporary orders motion on December 1, 2015 (after a stipulated continuance of that hearing). The parties' counsel were obliged to meet and confer and to comply with their Rule 49 disclosure obligations not fewer than five days before that Resolution Management Conference. Ariz. R. Fam. L. P. 47(G). Notably, the applicable disclosure obligations include providing an AFI, current income information, and financial records. Ariz. R. Fam. L. P. 49(C), (D), & (E).

LET THE RECORD REFLECT counsel have agreed that Wife will have exclusive use of the Lexus IS250 at least through the temporary orders hearing.

IT IS ORDERED vacating **Evidentiary Hearing on Temporary Orders** previously set on January 15, 2016 at 10:00 a.m. regarding Petitioner's *Motion for Temporary Orders and Motion to Expedite* filed September 14, 2015 and Petitioner's *First Amended Motion for Temporary Orders* filed January 5, 2016 and resetting same on **March 18, 2016 at 10:00 a.m.** (time allotted: 1 hour) before the Honorable James D. Smith at:

Maricopa County Superior Court
Southeast Judicial District
Courtroom 404
222 E. Javelina Avenue
Mesa, AZ 85210

Pursuant to Rule 77(B), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination, and any argument. The parties are expected to complete the hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

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IT IS FURTHER ORDERED that the parties shall file and provide this division with a copy of a Joint Pre-Hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than **March 11, 2016**.

IT IS FURTHER ORDERED that the Joint Pre-Hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Information.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Hearing Statement those exhibits they have agreed will be admissible at the hearing, as well as any specific objections that will be made to any exhibit, if offered at the hearing, that is not agreed to be admitted. Reserving all objections to the time of the hearing will not be permitted. At the time of the hearing, all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-Hearing Statement shall be summarily admitted.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of the hearing or to timely present the Joint Pre-Hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 71, Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(k), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the hearing must be brought to this division **no later than March 11, 2016, with a coversheet listing the description of the exhibits. The exhibits shall be separated by a COLORED sheet of paper.** Any exhibits submitted shall be copied to the opposing party at that same time. Exhibits must be timely submitted to the division clerk. If a party does not submit an exhibit at least 5 judicial days before the hearing, the Court may exclude the exhibit or, alternatively, deduct the time required to mark the exhibit from the offering party's time at the hearing/trial. For ease of reference, each page of a multi-page exhibit should be consecutively numbered even if this means a party must number them. The parties or their counsel should meet/confer to coordinate the exhibits they submit. This will avoid duplicative exhibits, help eliminate unnecessary exhibits, and ensure consistent numbering. The Court

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appreciates bench copies of exhibits in a binder with tabs correlating to the actual exhibit numbers. Please label such bench copy binders on the spine with the case name, case number, and date of hearing/trial.

NOTE: *We do not hold spots for supplemental exhibits.*

NOTE: If either party intends to offer as evidence the digital or electronic recording from a prior court proceeding, the party shall also provide to the Court a certified transcript of the recording, which shall be marked as an exhibit. The party seeking to offer the recording as evidence shall bear the cost for preparation of the transcription. If either party intends to offer documents as evidence that are in a language other than English, the Court shall be provided with an official certified translation of the documents.

Counsel and the parties are reminded of their obligation to give prompt notice to the Court of any settlement as required by Rule 70, Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents, and exhibits on or before **February 18, 2016**. Unless otherwise set by court order, however, the time for expert disclosures remains at least 60 days before trial. Ariz. R. Fam. L. P. 49(H).
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **February 18, 2016**.
3. Counsel and both parties shall confer on or before **February 18, 2016** to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or healthcare provider, or employer possessing any relevant information.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of legal decision making authority, relocation requests, spousal

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maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the Court before the hearing. If you make a written request before the hearing, the Court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pre-Hearing Statement.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

11:02 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.